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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE)

SALLY HERRIOT,

Plaintiff,

— v. —

CHANNING HOUSE,

Defendant.

Case No. C06-06323 JF

**STIPULATION AND [PROPOSED]
ORDER LIFTING STAY ON
CONSIDERATION OF CROSS-
MOTIONS FOR SUMMARY
JUDGMENT**

Trial Date: **September 26, 2008**

Time: 1:30 p.m.

Courtroom: 3

WHEREAS, on July 2, 2008, based upon the parties' stipulation, the Court entered an
Order staying its ruling on the pending cross-motions for summary judgment; and

STIPULATION AND [PROPOSED] ORDER LIFTING STAY ON CONSIDERATION OF CROSS-MOTIONS FOR
SUMMARY JUDGMENT

1 WHEREAS the parties have engaged in good faith attempts to settle this matter, but
2 jointly agree that they are at an impasse, effective July 7, 2008.


3 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
4 Plaintiff and Defendant, by and through their respective undersigned counsel, that they are at an
5 impasse in terms of settlement; that the Court's ruling on the pending cross-motions for summary
6 judgment will materially assist in settlement negotiations; and

7 IT IS FURTHER STIPULATED AND AGREED by and between Plaintiff and
8 Defendant, by and through their respective undersigned counsel, that the Court lift the stay
9 imposed by its July 2, 2008 Order and make a ruling on the cross-motions for summary
10 judgment.

11 IT IS SO STIPULATED:

12 Dated: July 8, 2008

13 ~~RELMAN & DANE, PLLC~~

14 
Michael Allen
Attorney for Plaintiff

16 Dated: July 8, 2008

17 LEWIS, BRISBOIS, BISGAARD, & SMITH LLP

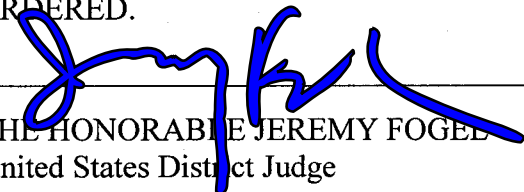
18 /s/ Alex A. Graft
Alex A. Graft
Attorney for Defendant

20 **[PROPOSED] ORDER**

21 For the reasons set forth above, the Court hereby vacates the stay on its ruling with
22 respect to cross-motions for summary judgment which are presently under submission.
23

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: 7/11/08

26 
27 THE HONORABLE JEREMY FOGEL
United States District Judge

28
STIPULATION AND [PROPOSED] ORDER LIFTING STAY ON CONSIDERATION OF CROSS-MOTIONS FOR
SUMMARY JUDGMENT

**CERTIFICATE OF SERVICE
NORTHERN DISTRICT OF CALIFORNIA**

I hereby certify that on July 8, 2008, a copy of the foregoing Stipulation and Proposed Order Lifting Stay on Consideration of Cross-Motions for Summary Judgment was electronically filed and by operation of the Court's ECF system was served upon the following by electronic mail:

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/s/ Nayna Gupta

Nayna Gupta